

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

Ferenando Martinez, et al.,

NO. C 07-01705 JW

Plaintiffs,

**ORDER TO SHOW CAUSE
RE: SETTLEMENT**

v.

Autowest Collision Repairs, Inc., et al.,


Defendants.

On June 24, 2008, the mediator filed a Certificate of Mediation informing the Court that the above-entitled matter has reached a settlement. (See Docket Item No. 39.) In light of the settlement, the Court vacates all trial and pretrial dates. On or before **October 10, 2008**, the parties shall file a stipulated dismissal pursuant to Federal Rule of Civil Procedure 41(a).

If a dismissal is not filed by the specified date, all parties shall appear in Courtroom No. 8, 4th Floor, United States District Court, 280 South First Street, San Jose, Ca. on **October 20, 2008 at 9:00 a.m.** and to show cause, if any, why the case should not be dismissed pursuant to Fed. R. Civ. P. 41(b). On or before **October 10, 2008**, the parties shall file a joint statement in response to the Order to Show Cause. The joint statement shall set forth the status of the activities of the parties for finalizing the settlement and how much additional time is requested to finalize and file the dismissal. If a voluntary dismissal is filed as ordered, the Order to Show Cause hearing will be automatically vacated.

Failure to comply with any part of this Order will be deemed sufficient grounds to dismiss this action.

Dated: October 2, 2008



JAMES WARE
United States District Judge

1 **THIS IS TO CERTIFY THAT COPIES OF THIS ORDER HAVE BEEN DELIVERED TO:**

2 Damien Patrick Lillis dlillis@slplawfirm.com
3 James Dal Bon jdblaw@earthlink.net
4 Jose A. Cordova jcordova@sfdavislaw.com
5 Timothy Charles Davis tdavis@sfdavislaw.com

6 **Dated: October 2, 2008**

Richard W. Wieking, Clerk

7 **By: /s/ JW Chambers**
8 **Elizabeth Garcia**
9 **Courtroom Deputy**